

**Testimony before the House Judiciary Committee
on HB 4918, 4919, and 4920, 4921**

By Laura M. Sager

Families Against Mandatory Minimums (FAMM)

May 13, 2009

I want to thank the Chair and members of the Committee, as well as the bill sponsors – Rep. Johnson, Rep. Scripps, Rep. Kowall, and Rep. Jones - for the opportunity to speak on behalf of House Bills 4918, 4919, 4920 and 4921. My name is Laura Sager and I have served in a number of state and national leadership roles for Families Against Mandatory Minimums, although today I am speaking as a volunteer project coordinator.

Families Against Mandatory Minimums, or FAMM, is a national, nonprofit and nonpartisan organization that seeks to restore discretion in sentencing to judges, promote sentencing guidelines that ensure the punishment fits the crime, and supports treatment, drug courts, mental health programs and other cost-effective approaches that enhance public safety and ensure chemically-dependent individuals receive the help they need to become sober, productive members of their families and communities.

I am proud to come before you once again to represent thousands of Michigan FAMM members working to complete the reforms of Michigan's pre-2003 mandatory minimum drug laws. Our membership is very broad and includes families and prisoners, criminal justice and other professionals, faith organizations, and treatment providers.

Michigan first approached the Michigan legislature about these laws a dozen years ago – at a time when Michigan's draconian sentencing scheme for drug offenses was the harshest in the United States. We noted that these laws had not worked as intended – instead of targeting “drug kingpins” they cast far too wide a net for often decades-long sentences.

Since 1996, FAMM has worked with our partners – in the executive branch, the legislature, the judiciary, attorneys, law enforcement, community stakeholders and religious leaders -- to enact smart and effective sentencing policies. Together, we repealed the harshest drug law in the nation, the “650 Lifer Law”, in 1998 and followed up in 2003 with sweeping reforms of our drug sentencing laws and provided earlier parole eligibility for hundreds of individuals.

FAMM has also supported expanding sentencing options for chemically dependent and, often, mentally ill individuals, including cost-effective drug courts, mental health and other community-based treatment programs, whenever appropriate.

Jim DiVietri is an example a FAMM member who benefited from past reforms. Jim originally sentenced to 20 years in prison under the old mandatory minimum drug laws. Jim was paroled following the 2003 reforms after serving 10 years. Since his parole, he has been employed as a mortgage loan officer, is raising four sons and cared for his 85-year-old father, until his death last year. We have many such success stories.

The debate was not and still is not about bed space, though the bills helped there, too, of course. It was about fairness, about a net that had been cast wider than the legislature intended, and it was about proportionality in sentencing. In the end, it was about justice.

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Most made good on their second chance and, like Jim, are employed, raising families – or helping with grandchildren – and contributing to their communities. Many have come to the Capitol to thank you personally for their second chance.

Finally, it is a rare to see so much accord, over so many years, on a criminal justice reform. It has been an honor to work with the many individuals and organizations that contributed to this effort.

Again, thank you, Mr. Chairman and committee members, for this opportunity to express FAMM's support for HB 4918, 4919, 4920, 4921.

I will be happy to answer any questions about the bills.

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Two-Year Follow-Up Outcomes of Offenders Who Paroled in 2003

Drug Offenders Paroled under Public Act 670 vs. All Other Parolees

(Flat Two-Year Follow-Up Regardless of Parole Status)

	TOTAL PAROLEES ¹	SUCCESS			FAILURES				BY PERCENT TO TOTAL				
		Total	Still On Parole ²	Discharged	Total	Absconds ³	Technical Violators ⁴	New Sentence ⁵	Total Success	Total Failure	Absconds	Technical Violators	New Sentence
Total All Cases	10,987	5,864	1,808	4,056	5,123	1,835	1,837	1,451	53.4	46.6	16.7	16.7	13.2
PA 670 Drug Cases	437	362	58	304	75	26	25	24	82.8	17.2	6.0	5.7	5.5
All Other Cases	10,550	5,502	1,750	3,752	5,048	1,809	1,812	1,427	52.2	47.8	17.1	17.2	13.5

SOURCE: Corrections Management Information System (CMIS)

- ¹ Follow-up includes two years from parole for prisoners paroled to Michigan counties
- ² Still on Parole status after two years from parole; either parole term given is longer than two years or parole term extended
- ³ On Abscond status after two years from parole
- ⁴ If a prisoner returned as a Technical Violator but also received a New Sentence within two years, the case is counted only in the New Sentence column
- ⁵ Failures include cases discharged from parole but returned within two years of parole

K. Dimoff, H:\PA 670\2003 Table.xls

May 9, 2006